



1F(11)

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/643,352
	Filing Date	August 19, 2003
	First Named Inventor	Derek Metcalf
	Art Unit	3634
	Examiner Name	Jennifer Eleanore Novosad
Total Number of Pages in This Submission	Attorney Docket Number	38949/282196

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1. Form PTO/SB/08 (01 sheet) 2. 01 publications
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm	Kilpatrick Stockton LLP		
Signature			
Printed Name	Michael A. Bertelson		
Date	May 26, 2006	Reg. No.	54,713

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	Angela M. Rossi	Date	5/26/06

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)

Derek METCALF)

Serial No.: 10/643,352)

Art Unit: 3634)

Filed: August 19, 2003)

Examiner: Novosad, Jennifer)

For: ADJUSTABLE SHELVING SYSTEM)

Mail Stop Amendment

Commissioner for Patents

Attorney Docket No. 38949/282196

P. O. Box 1450

Alexandria, Virginia 22313-1450

Date: 5/26/06

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with Rules 56, 97 and 98 of the Rules of Practice in Patent Cases (37 C.F.R. §§ 1.56, 1.97, and 1.98), the publications listed on the enclosed Form PTO/SB/08 are submitted for consideration by the Examiner. A copy of the non-U.S. patent document is enclosed.

Submission of the references provided in this Information Disclosure is not intended to constitute an admission that any reference referred to herein is prior art for this invention unless specially designated as such. Also, in accordance with 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made, or that no other material information as defined in 37 C.F.R. § 1.56(a) exists.

This Information Disclosure Statement is being filed before the issuance of a first

office action on the merits of the application (37 C.F.R. 1.97(c), before the issuance of an


05/31/2006 JBALINAN 00000031 110855 10643352

01 FC:1806 180.00 DA

U.S. Serial No. 10/643,352
Filed: August 19, 2003
SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

action which closes prosecution. Applicants enclose Form PTO 2038 authorizing the Commissioner of Patents to charge the firm's credit card in the amount of \$180.00. If any additional fee is due, the Commissioner is authorized to charge such fee or credit any overpayment to Deposit Account No. 11-0855.

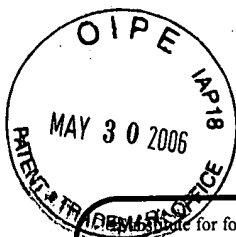
Respectfully submitted,



Michael A. Bertelson
Reg. No. 54,713

KILPATRICK STOCKTON LLP
1100 Peachtree Street
Suite 2800
Atlanta, GA 30309-4530
404-815-6500

The PTO did not receive the following
listed item(s) ~~Cost~~
Credit Card Form



ADDITIONAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)		Complete if Known			
		Application Number	10/643,352		
		Filing Date	August 19, 2003		
		First Named Inventor	Derek METCALF		
		Art Unit	3634		
		Examiner Name	Novosad, Jennifer E.		
Sheet	1	of	1	Attorney Docket Number	38949/282196

U.S. PATENT DOCUMENTS

Examiner Initials *	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
		US-3,993,002	11-23-1976	Stroh	
		US-3,572,626	03-30-1971	Bertschi	
		US-4,307,671	12-29-1981	Albano	
		US-5,199,579	04-06-1993	VanDuyne	
		US-5,205,421	04-27-1993	Bustos	
		US-5,547,088	08-20-1996	Belokin, et al.	
		US-5,769,247	06-23-1998	Merl	
		US-6,357,609	03-19-2002	Van Noord, et al.	
		US-6,641,098	11-04-2003	Proffitt	
		US-6,726,035	04-27-2004	Zadak	
		US-2005/0092701 A1	05-05-2005	Metcalf	

FOREIGN PATENT DOCUMENTS

Examiner Initials *	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
		WO 2005/041726	05-12-2005	Rock-Tenn Company		

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--